

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Engineering & Construction Management

**AGENDA DATE:** September 13, 2011

**CONTACT PERSON/PHONE:** R. Alan Shubert, City Engineer

**DISTRICT AFFECTED:**

**SUBJECT:**

Item is to request approval of a resolution authorizing the City Manager to execute, on behalf of the City of El Paso, an underground electrical easement to El Paso Electric Company to be used for providing service to a new data communication center to be constructed on City property.

**BACKGROUND / DISCUSSION:**

This easement consists of a 10 ft. underground easement and a 16' by 20' transformer pad easement, both required to provide operating power to a new communications data center to be located at 7969 San Paulo, site of the City's Municipal Service Center.

**PRIOR COUNCIL ACTION:**

Council has not previously considered this item.

**AMOUNT AND SOURCE OF FUNDING:**

There are no costs associated with this action.

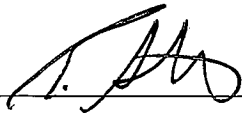
<u>Project</u>	<u>Fund</u>	<u>Department</u>	<u>Account</u>
~	~	~	~

**BOARD / COMMISSION ACTION:**

(N/A)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** \_\_\_\_\_



*Information copy to appropriate Deputy City Manager*

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement and a Transformer Easement to the El Paso Electric Company for the purpose of providing electrical service to power a new communications data center located at the Municipal Services Center, 7969 San Paulo, said easement being more particularly described as a portion of Lot 1, Municipal Center, El Paso, El Paso County, Texas.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

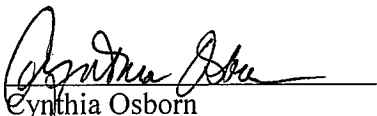
THE CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

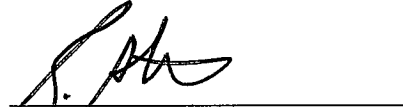
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
R. Alan Shubert, P.E.  
City Engineer

THE STATE OF TEXAS    )  
                                      )  
COUNTY OF EL PASO    )

**Underground and Transformer Electrical Easement**

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, relocate, construct, operate, remove, inspect, access, and maintain an underground electric system consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and underground crossings with all necessary cables, lines, conduit, wires pertaining thereto, with the right of access, ingress, and egress, thereto for the installation, construction, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over or under, upon, and along the areas identified in Exhibit "A" attached hereto and incorporated herein for all purposes, said areas being in the following described premises in El Paso, El Paso County, Texas, to wit:

A portion of Lot 1, Municipal Center, El Paso, El Paso County, Texas and more particularly shown on Exhibit "A" and commonly known as 7969 San Paulo Drive.

The easement consists of (1) a 10 ft. by 153 ft. underground easement, running parallel with the westerly side of the existing building structure, at a distance of 19 ft. more or less from the existing building, and (2) a 16 ft. by 20 ft. transformer pad easement, both more particularly described in "Exhibit A".

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, the Grantee agrees that upon written and reasonable request it will relocate any of its facilities located within the easement at no cost to the Grantor.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or tangible personal property of Grantor within the easement. Grantor agrees not to erect permanent structures or obstruct access in, over, or under Grantee's facilities.

Grantor will not be held responsible for any damage to Grantee's underground facilities from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

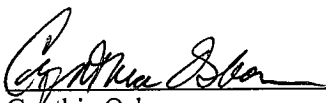
Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with applicable City Code provisions.

**WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.**

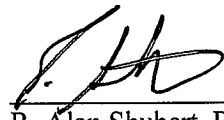
**GRANTOR:  
THE CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson, City Manager

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS    )**  
**)**  
**COUNTY OF EL PASO    )**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011  
by Joyce A. Wilson as City Manager of the City of El Paso.

\_\_\_\_\_  
**Notary Public, State of Texas**

The above instrument, together with all conditions thereto is hereby accepted on the date entered below.

GRANTEE:  
**EL PASO ELECTRIC COMPANY**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

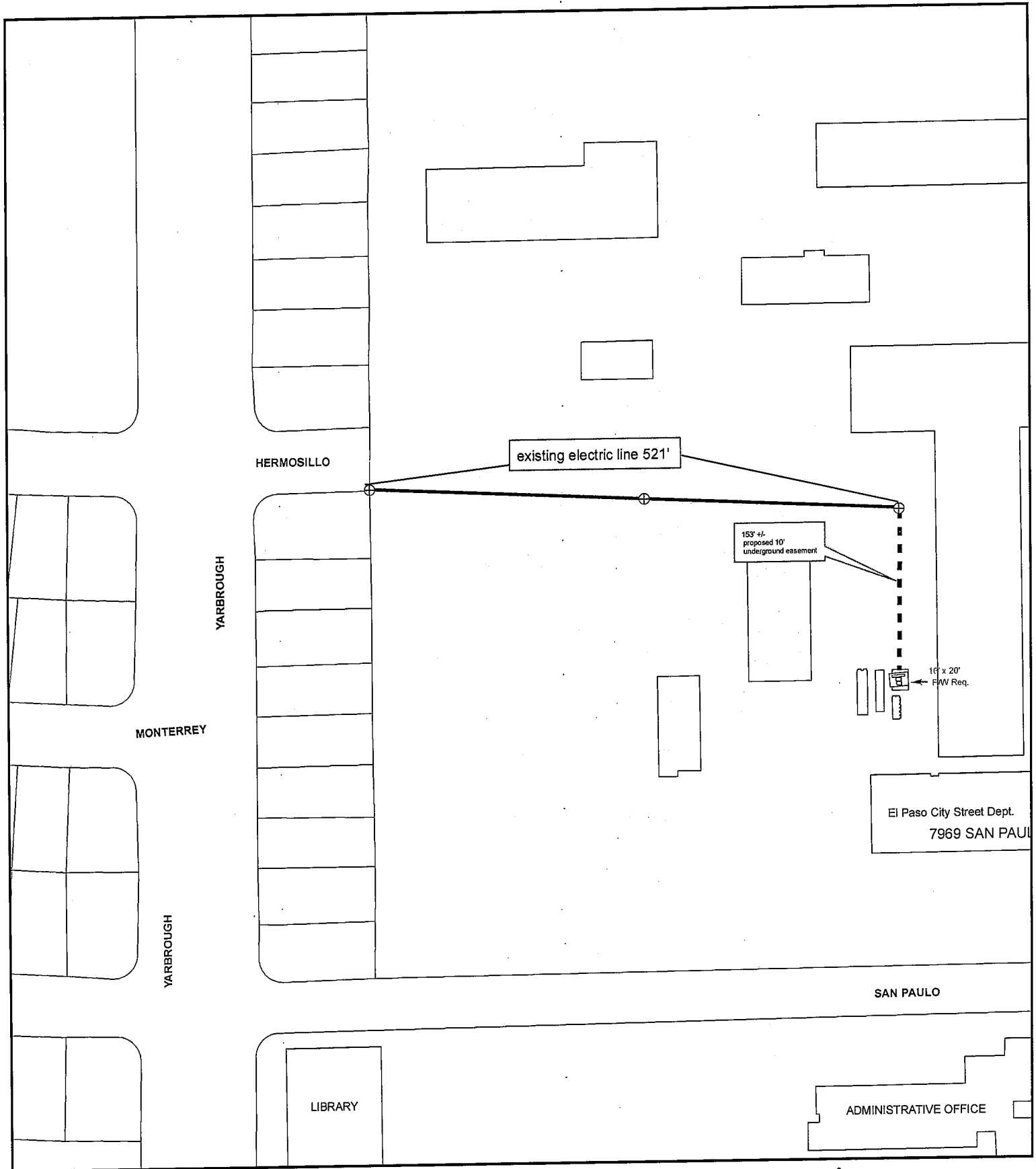
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

**STATE OF TEXAS**       )  
                                  ) s.s  
**COUNTY OF EL PASO**    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011  
by \_\_\_\_\_ as \_\_\_\_\_ of **El Paso Electric Company**, on behalf of the  
El Paso Electric Company, a Texas corporation.

\_\_\_\_\_  
**Notary Public, State of Texas**



SCALE: NONE  
DATE: 9/1/2011  
W.O. #DT015541

### LEGEND

- PROPOSED EPE CO. (UG) 10' FT. UTIL. ESMNT.
- B PROPOSED 16'X20' TRANSFORMER ESMNT.
- ⊕ EXISTING EPE POLE



**EL PASO ELECTRIC CO. R.O.W.**

A PORTION OF:

LOT 1,  
MUNICIPAL CENTER,  
EL PASO COUNTY, TEXAS

**Exhibit "A"**